

REMARKS

Claims 21-33 were the subject of the office action dated May 23, 2008. These claims are again presented for further consideration.

Claim 21 is amended to specify that the polysaccharide is unsubstituted. Unsubstituted polysaccharides are what would be obtained from (or provided by) guar flour, konjac flour, and potato starch of Examples 1-3 of the subject specification.

Claim 24 is amended to specify a particle size range. Basis is provided by, for example, original claim 3.

Claim 33 is amended to specify that the polysaccharide is selected from galactomannans and glucomannans. Basis can be found in, for example, the abstract and original claim 1.

Claims 21-33 stand rejected as lacking an adequate written description. Claim 21 now clarifies that the polysaccharide is unsubstituted. Such polysaccharides would be obtained as described in Examples 1-3. Thus, this rejection should now be rendered moot. Claim 22 depends from claim 21 and specifies that the (unsubstituted) polysaccharide is selected from galactomannans and glucomannans. Claim 33 depends from claim 24 (which specifies a particle size range), and claim 33 likewise specifies that the (unsubstituted) polysaccharide is selected from galactomannans and glucomannans.

In light of the foregoing, the withdrawal of this rejection under 35 USC §112, first paragraph, is respectfully requested.

Claim 24 stands rejected as being indefinite. Claim 24 now specifies a particle size range.

The applicants respectfully traverse the indefiniteness rejection of claims 27 and 31. Gradual release and providing a sustained supply of an active ingredient are concepts that are well-known in the art. In addition, claims 27 and 31 are referring to inherent properties of the composition. Thus, these terms used in these contexts should be sufficiently clear.

Claim 30 now clarifies that the concentrations of the active substances in the blood of the human or animal are below blood levels that would be adverse to the human or animal.

In light of the foregoing, the withdrawal of these rejections under 35 USC §112, second paragraph, is respectfully requested.

Claims 21-33 stand rejected under 35 USC 103(a) as being obvious over GB 2257358. The applicants respectfully traverse this rejection.

Although this reference mentions potential nutritional applications, all of the examples in GB 2257358 are limited to industrial processes, which are catalyzed by the embedded vital/active substances. Embedding in that reference is designed to protect the active substance (an enzyme for example) from pressure and temperature during industrial processes.

The subject claims specify administration of a first active substance and a second active substance to a human or other animal. As discussed in the specification, the subject invention can be used to separately package different active ingredients that could otherwise interact with each other in undesirable ways (so as to lose their activities, for example) before administration. Furthermore, the subject invention allows for controlled release of the two active ingredients at the same time in the body of the treated animal.

The cited reference is silent regarding these formulations, applications, and the benefits thereof. In fact, when the cited reference teaches mixing enzymes, the enzymes are mixed before they are embedded. This would result in mixed particles.

As shown in Figure 2 of the subject patent application, the granular particles each have a distinct active ingredient, not a mixture of two or more.

Thus, the cited reference teaches against what is now claimed. Again, benefits of what is now claimed include non-interacting active ingredients. This advantage, and thus the subject identification of the problem and approach to solving it, was not taught or suggested by the cited reference.

Furthermore, the cited reference does not disclose advantageous particle sizes as specified in the subject claims. Such characteristics would not have been obvious, as the cited reference did not teach or suggest the application methods now claimed.

In light of the foregoing, the withdrawal of this obviousness rejection is respectfully requested.

Application Serial No. 10/780,152
Response dated October 23, 2008

The applicant believes that the subject application is in condition for allowance, and such action is respectfully requested.

A two-month extension of time is hereby authorized and accompanies this response. Although no additional fees are believed to be required by this paper, any such fees are hereby authorized to be charged to Deposit Account No. 02-0385, Baker & Daniels LLP.

Should the Examiner have any questions regarding any of the above, the Examiner is respectfully requested to telephone the undersigned at 317-237-1245.

Respectfully submitted,



Jay Sanders
Reg. No. 39,355
Attorney for Applicant

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BAKER & DANIELS LLP
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204
Telephone: 317-237-0300
Facsimile: 317-237-1000

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I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office to the attention of: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jay M. Sanders, Reg. No. 39,355

Name of Registered Representative



Signature

Oct. 23, 2008

Date